IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14202 of 2004

Between:

1 Danabala @ Danaboina Krishnaiah, S/o. Late Appanna,
D.No. 9-121 Peda Madaka (Post) R.H. Colony, Aganpudi-2,
Visakhapatnam District.
2 Penupothula Chellayamma, W/o. Late Tatalu,
D.No. 9-121 Peda Madaka (Post) R.H. Colony, Aganpudi-2,
Visakhapatnam District.
3 Chilla Rajeswaramma, D/o. Late Chilla Appalaswamy Reddy,
Duvvada Post and Village, Sectior II, R.H.C. Visakahapatnam District.

….PETITIONERS

AND

1. The District Collector, Visakhapatnam District, Visakhapatnam.

2. The Special Deputy Collector, Land Acquisition APIIC,
Visakhapatnam.

3. The Mandal Revenue Officer, Parawada Mandal, Parawada,
Visakhapatnam District.

…RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly declaring the action of the respondents to acquire the petitioners lands of an extent of Ac.25.00 in S.No.32 of Marripalem which is the patta land of the petitioners, got surveyed by the respondents is illegal and arbitrary and consequently direct the respondents not to resort to acquire for rehabilitation purposes.

Counsel for the Petitioners: MR.P.RAMABRAHMAM

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

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ORDER:

The three petitioners claim to be the owners of land admeasuring Acs.25.00 in Survey No.32 of Marripalem village. They seek a Writ of Mandamus declaring the action of the respondents herein in proposing to acquire the lands as illegal and arbitrary. The cause of action for this Writ Petition is an alleged survey sought to be conducted by the third respondent. It is the case of the petitioners that the petitioners are entirely depending on these lands for their livelihood and if these lands are acquired they will be deprived of their right. The Writ Petition as such is filed without proper cause of action. As and when the proposals are concretized, and notification issued under Section 4 (1) of the Land Acquisition Act, 1894, it shall be open to the petitioners to challenge all the questions that may arise. At this stage, this Court cannot restrain the State from exercising its power of eminent domain to acquire the lands.

The Writ Petition is misconceived and is accordingly dismissed.

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(V.V.S.RAO, J)

12th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Visakhapatnam District, Visakhapatnam.
2. The Special Deputy Collector, Land Acquisition APIIC, Visakhapatnam.
3. The Mandal Revenue Officer, Parawada Mandal, Parawada, Visakhapatnam District.
4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.